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UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW

Twenty-fourth session

SUMMARY RECORD (PARTIAL)** OF THE 465th MEETING

Held at the Vienna International Centre, Vienna,
on Friday, 28 June 1991, at 9.30 a.m.

Chairman: Mr. SONO (Japan)

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* No summary records were prepared for the 463rd and 464th meetings.

** No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 10.05 a.m.

INTERNATIONAL PAYMENTS: DRAFT MODEL LAW ON INTERNATIONAL CREDIT TRANSFERS (continued) (A/CN.9/341, 344 and Corr.1, 346 and 347 and Add.1)

Report of the Drafting Group (A/CN.9/XXIV/CRP.12)

1. The CHAIRMAN congratulated the Drafting Group on the excellent work it had done in reflecting the Commission's discussions and incorporating the relevant policy decisions in its report.

2. Of the eighteen articles presented in the draft Model Law, the Commission had completed its consideration of articles 1 to 15. It had held a preliminary discussion on article 17 and had referred frequently to article 16. He felt sure that the work done at the current session would lay a sound foundation for the adoption of the Model Law at the next session.

3. He believed that there was no need for the Commission to adopt the report of the Drafting Group article by article. He suggested that it should simply take note of the report, mention that some technical adjustments might need to be made to it and, possibly, include the proposal concerning article 16 submitted by the United Kingdom and Finland in document A/CN.9/XXIV/CRP.10 in the report of the Commission for consideration at the next session.

4. Mrs. JAMETTI GREINER (Observer for Switzerland) said that, in general, she supported the Chairman's suggestion concerning the Drafting Group's report. She believed, however, that there were changes other than technical modifications that might be needed and that many of the points raised in document A/CN.9/XXIV/CRP.10 required debate.

5. The CHAIRMAN said that there was no reason why the Commission should not discuss points of substance at its following session. His suggestion that document A/CN.9/XXIV/CRP.10 be included in the report of the Commission was based on the belief that it would be unfortunate to lose sight of it.

6. Mrs. JAMETTI GREINER (Observer for Switzerland) said she was not certain that it was desirable to include that proposal, which concerned a crucial article of the Law, in the report of the Commission. She failed to see why it should be treated differently from other proposals which had not been discussed.

7. Mr. ABASCAL ZAMORA (Mexico) said he shared the misgivings of the previous speaker regarding the advisability of including the proposal in the report of the Commission, for that might suggest that the Commission approved it in principle. He saw no reason why its sponsors should not resubmit it to the Commission at the following session. His own delegation had also submitted a proposal which the Commission had been unable to discuss.

8. Mr. SOLIMAN (Egypt) said he thought that the Commission should take note of the Drafting Group's report and thank the Group for its excellent work.

9. Mr. DUCHEK (Observer for Austria) said that, while he agreed with the previous speaker, he also believed that it would be advisable to include document A/CN.9/XXIV/CRP.10 in the report of the Commission.

10. Mr. RENGER (Germany) said that, while supporting the Chairman's suggestion in general, he thought that, if the proposal by the United Kingdom and Finland was included in the report, the Mexican proposal should be included in it as well.

11. Mr. GRIFFITH (Observer for Australia) suggested as an alternative that an amended version of document A/CN.9/XXIV/CRP.10 might be issued and made available to delegations before the next session of the Commission.

12. Ms. BUURE-HAGGLUND (Observer for Finland) said she understood that, in general, the Commission agreed that the original text of article 16 was obsolete. It would seem that the only way of showing the degree of progress made in considering article 16 was to incorporate the text of document A/CN.9/XXIV/CRP.10 into the report of the Commission.

13. Mr. MORAN-BOVIO (Spain) said that it would hardly be logical to put all proposals, those that had not been discussed and those that had not been discussed, on an equal footing. He therefore proposed that those that had not been discussed should be retained by the delegations that had submitted them and be presented to the next session.

14. Mr. FUJISHITA (Japan) said that it was not advisable to include proposals that had not been discussed in the report of the current session. Furthermore, since several proposals had not been discussed, it would be invidious to single out any single one of them for such inclusion.

15. Mr. LIM (Singapore) said that the joint proposal of the United Kingdom and Finland should be included in the report of the Commission, with a statement that the Commission had not had time to discuss it. The proposals of other delegations, that were similarly pending, should also be incorporated.

16. Mr. BERGSTEN (Secretary of the Commission) said that a form of words had been prepared in advance by the Secretariat to take into account the eventuality that such a point might arise. It was contained in document A/CN.9/XXIV/CRP.1/Add.17, page 3, paragraph 11.

17. Mr. BURMAN (United States of America) said that, while he welcomed the Secretary's suggestion, he thought that a clear distinction should be made between those articles that had been discussed and those that had not been discussed.

18. Incidentally, instead of the revised text being presented in a separate annex, it should be presented together with the original text.

19. Mr. BERGSTEN (Secretary of the Commission) said that such a proposal would raise technical problems.

20. Mr. DUCHEK (Observer for Austria) said that articles that had been discussed and those that had not been discussed could, perhaps, be incorporated in a single annex, with a clear indication of the distinction between them.

21. The CHAIRMAN asked the Commission whether it wished to mention in its report that certain proposals concerning article 16 had not been discussed by the Commission, as a purely factual statement of what had occurred during the session.

22. It was so agreed.

The discussion covered in the summary record ended at 11.05 a.m.